



2001 SENATE BILL 469

February 26, 2002 - Introduced by Senators COWLES, BURKE and HANSEN, cosponsored by Representatives POWERS, KAUFERT, BOCK, BLACK, PLOUFF, RYBA, OWENS, HAHN and MEYERHOFER. Referred to Committee on Universities, Housing, and Government Operations.

1 **AN ACT** *to create* 16.855 (10s) and 20.924 (1) (j) of the statutes; **relating to:** the
2 energy efficiency of equipment used in state building projects and certain other
3 projects constructed for the state and granting rule-making authority.

Analysis by the Legislative Reference Bureau

This bill directs the department of administration (DOA) to prescribe energy efficiency standards for equipment installed under state construction projects. In prescribing the standards, the bill directs DOA to consider standards that apply to the federal labeling program for certain appliances and other equipment (the "energy star" program), guidelines that apply to the federal energy management program for federal energy consumption, and standards established by the American Society of Heating, Refrigeration and Air Conditioning Engineers.

The bill also requires DOA to ensure that specifications for any energy-consuming equipment that is installed as a component of these construction projects meet the applicable standards prescribed by DOA. Under the bill, if there is no standard applicable to the type of equipment being installed as a component of a project, DOA is required to ensure that the equipment that is selected for installation maximizes energy efficiency to the extent technically and economically feasible. The bill provides that the energy efficiency of equipment shall be considered to be economically feasible if the difference between the cost of the purchase and installation of energy-efficient equipment and the equipment that would otherwise be installed is not greater than the difference between the cost of operating energy-efficient equipment and the equipment that would otherwise be installed

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over the anticipated life of the equipment. In addition, the bill provides that the building commission shall not enter into a lease or other contract that provides for construction of a building, structure, or facility to be initially occupied by the state and that contains an option for the state to purchase the building, structure, or facility unless all energy-consuming equipment to be installed meets applicable requirements for state-constructed buildings, structures, and facilities.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 16.855 (10s) of the statutes is created to read:

2 16.855 (10s) (a) The department shall, by rule, prescribe energy efficiency
3 standards for equipment that is installed as a component of a construction project
4 and that relates to heating, ventilation, air-conditioning, water heating or cooling,
5 lighting, refrigeration, or any other function that consumes energy. In prescribing
6 the standards under this paragraph, the department shall consider standards that
7 apply to the federal program for labeling of certain products under 42 USC 6294,
8 guidelines that apply to the federal energy management program under 42 USC
9 8251 et seq., and standards established by the American Society of Heating,
10 Refrigeration and Air Conditioning Engineers.

11 (b) For each proposed construction project, the department shall ensure that
12 the specifications require that any equipment installed as a component of the project
13 for heating, ventilation, air-conditioning, water heating or cooling, lighting,
14 refrigeration, or any other function that consumes energy meets applicable
15 standards established under par. (a). If there is no standard under par. (a) applicable
16 to the type of equipment being installed as a component of a project or if the
17 equipment meeting that standard is not reasonably available, the department shall
18 ensure that the equipment that is selected for installation maximizes energy

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1 efficiency to the extent technically and economically feasible. The department shall
2 not determine that equipment that meets the applicable standard under par. (a) is
3 not reasonably available on the basis of cost alone unless the difference in the cost
4 of the purchase and installation of the equipment that meets the standard and the
5 equipment that would otherwise be installed is greater than the difference in the cost
6 of operating the equipment that meets the standard and the equipment that would
7 otherwise be installed over the anticipated life of the equipment. The energy
8 efficiency of equipment shall be considered to be economically feasible if the
9 difference between the cost of the purchase and installation of energy-efficient
10 equipment and the equipment that would otherwise be installed is not greater than
11 the difference between the cost of operating energy-efficient equipment and the
12 equipment that would otherwise be installed over the anticipated life of the
13 equipment.

14 **SECTION 2.** 20.924 (1) (j) of the statutes is created to read:

15 20.924 (1) (j) Shall not enter into any lease or other contract that provides for
16 the construction of any building, structure, or facility, or portion thereof, for initial
17 occupancy by the state and that contains an option for the state to purchase the
18 building, structure, or facility unless the seller or lesser agrees that all equipment
19 to be installed as a component of the building, structure, or facility that relates to any
20 function that consumes energy meets applicable requirements for state building
21 projects under s. 16.855 (10s).

22 **SECTION 3. Initial applicability.**

23 (1) This act first applies with respect to bids for construction work that are
24 solicited on the effective date of this subsection or, in relation to construction work
25 for which bids are not solicited, with respect to contracts for construction work or

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SECTION 3

1 leases or other contracts providing for construction work that are entered into on the
2 effective date of this subsection.

3 (END)